

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 6	Number 3	Effective Date 05/26/09	Review Date 2012
Subject STOPPING MOTORISTS			☐ New Order ☒ Replaces G.O. 6-3 (01/02/07)
References CALEA 61.1.2a, 61.1.2b, 61.1.2c, 61.1.3a, 61.1.3b, 61.1.3c, 61.1.3d, 61.1.3e , 61.1.4a, 61.1.4b, 61.1.4c, 61.1.4d, 61.1.5a, 61.1.5b, 61.1.5c, 61.1.5d, 61.1.5e, 61.1.5f, 61.1.5g, 61.1.5h, 61.1.5i, 61.1.5j, 61.1.5l, 61.1.6c, 61.1.7a, 61.1.7b, 61.1.7c VLEPSC OPR.07.01a, OPR.07.01b, OPR.07.01c, OPR.07.02a, OPR.07.02b, OPR.07.02c, OPR.07.03a, OPR.07.03b, OPR.07.03c, OPR.07.03d, OPR.07.03e, OPR.07.03f, OPR.07.03g, OPR.07.03h, OPR.07.03i, OPR.07.03j, OPR.07.03m, OPR.07.03n, OPR.07.04a, OPR.07.04b U. S. Supreme Court, Delaware v Prouse, 440 U.S. 648 (1979) VA Code §19.2-74, §46.2-301, §46.2-936, §46.2-940, §46.2-945 General Order 1-10 and 6-4			
 _____ Chief of Police or Designee		05/26/09 _____ Date	

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for stopping motorists.

II. POLICY

- A. The U.S. Supreme Court has ruled that a law enforcement officer has the authority to stop and detain a motorist only when the officer has reasonable suspicion to believe that the operator of the motor vehicle, the occupants of said vehicle or the motor vehicle itself is in violation of the law.
- B. It is the policy of the Richmond Police Department to provide its officers with the proper guidelines for safely stopping motorists. The primary concern of the officer initiating the vehicle stop is the safety of the motorist to be stopped and his/her passengers, the safety of the general public, as well as the safety of the officer.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURES

- A. **Division of Emergency Communications (DEC):**

1. When an officer first observes a vehicle that he/she has reasonable suspicion for stopping, he/she shall notify DEC and provide them with the following:
 - a) The license plate of the vehicle, including the issuing state (if no license plate is visible, then a precise description of the vehicle);
 - b) The location of the stop; and,
 - c) The number of occupants that can be seen (if more than one).
2. If the driver of the vehicle does not acknowledge the officer's direction to stop or increases speed in an attempt to elude, the officer shall immediately notify DEC. At this time, all other non-emergency radio transmissions shall cease to allow uninterrupted communication between DEC and the officer.
3. DEC shall immediately advise a field supervisor of the circumstances and ensure that he/she monitors the situation.

B. Motor Vehicle Stops by Unmarked Police Units:

1. The operator of an unmarked police unit, if not in uniform, shall request the assistance of a marked police unit whenever attempting to stop a motor vehicle. The unmarked unit shall maintain a safe distance while communicating with DEC as to the description and location of the vehicle in question.
2. Only under extreme emergency situations and due to unique investigative situations, i.e. Narcotics, etc., shall a plain-clothes officer in an unmarked police unit attempt to stop a motor vehicle without the assistance of a marked unit.

C. Motorists' Safety:

1. Particular care must be taken to ensure the safety of the motorist and his/her passengers, so that they are not endangered by any action of the police officer.
 - a) In attempting to stop a motorist, the officer shall turn on the police vehicle's emergency lights and use a short blast from the horn and/or the siren, simultaneously, in an attempt to attract the motorist's attention.
 - b) If the motorist still does not respond, the officer shall use the police vehicle's emergency lights and the horn and/or the siren for the duration until the vehicle is stopped.
 - c) Once the vehicle has stopped, the officer shall discontinue the use of the horn and/or the siren. The police vehicle's emergency lights shall remain on for the entire duration of the stop.
2. Many motorists may not respond correctly to warnings or directions given to them. Some motorists may refuse to stop out of fear until they are in a well-lit area. The presence of a hearing-impaired driver must also be taken into consideration.

3. When stopping a motorist, the safety of the operation must take precedence over the speed of the operation. Whenever possible, a location that will enable both the officer and the motorist to stop completely off the traveled roadway should be chosen, preferably in a well-lit area.

D. Safety of the General Public:

1. The officer must take all necessary precautions to ensure the safety of other motorists and pedestrians who may be affected by the officer's actions.
2. Forcing vehicles from the roadway is strictly prohibited.
3. Forcible stopping or ramming of vehicles is strictly prohibited.

E. Safety of the Officer:

It is the duty of an officer to expedite the safe and efficient flow of traffic. To protect him/herself as well as others on the highway, an officer should take the following precautions:

1. Avoid stopping motorists on high-speed highways unless both vehicles can be removed entirely from the road to a safe area.
2. If a safe, off-the-road parking area cannot be found and a motorist must be stopped on the roadway, select a spot away from the crest of a hill or the point of a curve in plain view of approaching traffic. Try not stop at intersections.
3. Keep a close watch on the vehicle to be stopped for slowing or other change of speed or direction.
4. Park approximately 10-15 feet to the rear and approximately three feet to the left of the motorist. The officer should stop his/her vehicle angled in such a way as to provide him/herself with a three-foot safety zone by placing the vehicle's engine between him/herself and the stopped motorist and for ease of exiting.
5. Keep the engine idling until fully satisfied that the driver will not drive off.
6. Turn the steering wheel to the left.
7. If available, direct the spotlight on the officer's vehicle to shine on the exterior driver's side rear view mirror in an attempt to illuminate the inside of suspect's vehicle.
8. Prior to affecting an arrest, the officer shall immediately notify DEC and request assistance if, upon approaching a stopped vehicle with one or more occupants, a wanted subject is identified inside the vehicle.

F. Standard Stopping Procedure:

1. When signaled to stop by a police officer, most motorists will comply by stopping in the area designated. However, the officer should retain a position to the rear of

the motorist. The officer should remain alert for abrupt stopping or acceleration movements. As the motorist slows to a halt, the officer should slow down also, retaining enough momentum to leave the pavement and park to the rear and slightly to the left of the parked motorist.

2. If the motorist attempts to escape/elude and a pursuit ensues, both the emergency lights and the siren must be activated.
3. If no attempt is made to escape/elude, the officer should check traffic before exiting the police unit and maintain eye contact on the stopped vehicle as well as all occupants therein.

G. Actions Considered Unsafe During Traffic Stops:

1. Officers shall always make a careful check of traffic conditions before any maneuver is executed in traffic.
2. Only under extreme emergency situations and due to unique investigative situations, i.e. Narcotics, etc., should an officer pull abreast of the motorist.

H. Basic Procedures When Stopping Motorists:

1. Prior to the officer exiting the vehicle, he/she will notify the DEC dispatcher of the license plate of the vehicle, the state issuing the license plate and his/her exact location. If at any time the vehicle or occupants become suspicious to the officer, he/she will notify DEC immediately.
2. Upon approach, the officer must visually scan the vehicle and perform the following:
 - a) Visually check the rear of the vehicle for anything that may be out of the ordinary.
 - b) Be aware of the number of occupants and any activity going on inside the vehicle.
 - c) Visually scan the interior of the vehicle upon approach. Maintain a safe distance from the vehicle's doors in case of unexpected opening.
 - d) In a polite and courteous manner, the officer shall give the driver his/her name and explain why the stop was made.
 - e) The officer shall request the vehicle's registration and the driver's license from the driver and explain what the officer's actions will be, i.e. issue a summons, give a verbal warning, etc.
 - f) The officer should return to his/her police vehicle and verify the information on the license and registration using the Mobile Data Computer (MDC). The officer shall also check "wanted" and "stolen" information. If the police vehicle is not equipped with an MDC, or it is not functioning properly, the officer shall request a driver's license check (10-27), a vehicle

check (10-28) and a wanted/stolen check (10-29) on the driver and vehicle from DEC.

- g) Upon returning to the motorist's vehicle, it is essential that the officer fully explains the rights and requirements imposed on motorists upon the issuance of a summons. If the enforcement action requires a court appearance, make sure the motorist knows where and when to appear. Explain any alternatives to the motorist, but do not predict the actions of the court or quote fines. (If the motorist refuses to sign a summons issued by the officer, the officer shall request that his/her supervisor respond to the location. The supervisor will explain the process for issuing and signing a summons to the motorist. If the motorist still refuses to sign the summons, the officer will affect a custodial arrest and take the violator before a magistrate.)
 - h) ***The officer should take appropriate enforcement action with the goal being to favorably alter the driver's future driving habits. Answer the motorist's questions politely and correctly without lecturing or arguing. If the motorist is at all confused by the violation, the officer should ensure that he/she understands. Officers shall maintain control over the situation and facilitate a professional interaction at all times.***
 - i) Return the motorist's vehicle registration and driver's license.
 - j) If needed, assist the motorist in safely re-entering the traffic flow.
3. Types of enforcement actions:
- a) Warnings – Officers may issue a warning to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware due to newly enacted laws and/or regulations. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.
 - b) Virginia Uniform Summons – A Virginia Uniform Summons shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.
 - c) In compliance with VA Code §46.2-940, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that:
 - (1) The violator has committed a felony; or,
 - (2) The violator is likely to disregard the summons issued under VA Code §46.2-936 (arrest for misdemeanors); or,
 - (3) The violator has refused to give a written promise to appear under VA Code §46.2-936 and **§46.2-945** (issuance of citations).

4. Application of the aforementioned enforcement actions can be considered for most classifications of violations. The following is a list of types of violations and acceptable enforcement actions:
- a) Driving under the influence (***DUI***) – A major cause of traffic crashes and ***given*** their severity ***makes DUIs*** a major traffic enforcement priority. The strict enforcement through physical arrest of drunken drivers is an absolute necessity which allows for no justifiable discretionary deviation if, through field sobriety testing and observation, the officer determines that the violator is indeed intoxicated;
 - b) Driving with a revoked/suspended operator's license – A Virginia Uniform Summons may be issued when an officer has stopped a vehicle and identified the operator as driving with a revoked or suspended operator's license (VA Code §46.2-301). See General Order **6-4**, Virginia Uniform Summons;
 - c) Speeding – Excessive speed is the second greatest cause of death and injury on the American highways. The Richmond Police Department utilizes Virginia State Police certified hand-held and dual-cone (moving and stationary) radar sets to ensure compliance with traffic regulations and enhance the safety of the public. A violator may be issued a Virginia Uniform Summons or given a warning;
 - d) Hazardous violations (Example: reckless driving, following too closely, disregarding traffic signals of highway signs) - A violator may be issued a Virginia Uniform Summons or given a warning;
 - e) Equipment and non-hazardous violations – Depending upon the nature and severity of the violation and its relationship to the cause of accident, the officer may elect to implement discretionary prerogatives in determining the appropriate enforcement action. A violator may be issued a Virginia Uniform Summons or given a warning;
 - f) Off-road vehicle violations – Any officer observing an unlicensed off-road vehicle that cannot legally operate on the public highways, being operated on the highway, shall order the vehicle to be removed and take appropriate enforcement action. A violator may be issued a Virginia Uniform Summons or given a warning;
 - g) Public carrier/commercial vehicle violations – Generally regulatory in nature, the laws governing the public carriers and commercial vehicles are designed to instill confidence in the public who use highways for commercial purposes. Violations of those laws are an infringement of public trust that is a matter that the Department is obligated to hold. A violator may be issued a Virginia Uniform Summons or given a warning. Issuance of warnings should be limited to those occasions when the violator is unaware of the violation;

- h) Newly enacted laws and/or regulations – The officer may elect to implement discretionary prerogatives in determining the appropriate enforcement action. A violator may be issued a Virginia Uniform Summons or given a warning; and,
 - i) Pedestrian and bicycle violations – When applicable, laws governing pedestrians and bicycles shall be enforced when such action will tend to prevent accidents. A violator may be issued a Virginia Uniform Summons or given a warning.
- 5. If the motorist is charged with a violation, the officer shall verbally provide information relative to the specific charge to include the following:
 - a) Whether court appearance by the motorist is mandatory;
 - b) If so, the date, time and address for the appearance in court;
 - c) The court's phone number so the motorist may determine if he/she may be allowed to enter a plea and pay the fine before the court date; and,
 - d) A statement ***explaining*** that signing the summons is not an admission of guilt to the charge. It is a promise to appear at the time, on the date, in the court indicated.

I. Handling Special Categories of Violators:

- 1. Non-Residents – Officers may consider ***the*** use of warnings for non-residents or, if appropriate, officers may arrest non-residents by issuance of a summons. If the circumstances of VA Code §46.2-940 apply, officer shall take non-resident violators directly before a magistrate.
- 2. Juveniles – Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to juvenile offenders shall advise them of their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.
- 3. Foreign Diplomats – Refer to General Order ***1-10***, Procedure for Consular Notification of Foreign Nationals.
- 4. Military Personnel – All military personnel assigned to military installations within the Commonwealth of Virginia will be treated as state residents. Military personnel not assigned to in-state installations will be treated as out of state residents.

NOTE: Home state operator's licenses of military personnel do not expire until 90 days after their separation from active duty.

- 5. Multiple Violations – Officers may issue summonses for all appropriate violations. (One summons per charge).

6. Legislators:

- a) Except for treason, felony or breach of the peace, members of the Virginia General Assembly, clerks and their assistants are privileged from arrest during any session of the Assembly and five days before and after any session.
- b) Except for treason, felony or breach of the peace, members of the United States Congress are privileged from arrest during any session of Congress and fifteen days before and after any session.
- c) As the privilege pertains to traffic enforcement, any officer encountering a legislator who has committed a traffic violation during the specified times shall immediately release the legislator and make arrangements to serve a summons at a later date at the officer's discretion.

J. *Identification and Referral of Drivers Recommended for Re-Examination by Drivers Licensing Authorities:*

1. *At times, routine traffic law enforcement, accident reporting and investigation activities lead to the discovery of drivers who have suspected incompetence, physical or mental disability, disease and/or other conditions that might prevent the driver from exercising reasonable and ordinary care over a motor vehicle.*
2. *Officers wishing to recommend a driver for re-examination by drivers licensing authorities shall complete a Medical Review Request (DMV form – MED 3) and send the completed request to DMV's Medical Review Services which contains specific reasoning for the recommendation and shall include, at a minimum:*
 - a) *A specific description of all of the events leading to the decisions to make the recommendation;*
 - b) *Requester's information, including contact information; and,*
 - c) *Complete drivers license information for the recommended driver.*

NOTE: *Precincts shall be responsible for providing forms for their assigned officers and for maintaining their assigned officers' forms.*

K. Stopping Security/Armored Vehicles:

Occasionally, it may become necessary for members of the Richmond Police Department to stop an armored vehicle while it is traveling through the City of Richmond. In order to ensure that the security of the armored vehicle is not violated unnecessarily, the following procedure shall be adhered to:

1. When stopping an armored vehicle, DEC must be advised by the officer of the company's name and license number of the armored vehicle and the location of the stop.

2. On any traffic stop in which the officer intends to release the driver on a Virginia Uniform Summons, the driver will not be requested to exit the armored vehicle.
3. The driver of the armored vehicle will pass his/her driver's license and registration card to the officer through the gun port on the driver's door.
4. The officer will complete the summons, remove it from the book and pass it to the driver through the gun port.
5. The driver will sign the summons and pass it back to the officer through the gun port. The driver's copy of the summons will then be passed back to him.
6. If for some reason (such as DUI, Hit and Run, etc.) the officer has to request the driver to exit the vehicle, the following procedure shall be utilized:
 - a) The officer will notify his/her supervisor to respond to the scene.
 - b) The officer will request the driver to notify his/her company supervisor to also respond. If the armored vehicle is not equipped with a two-way radio, or if the driver refuses to notify his/her supervisor, the officer will request 899 to contact the driver's supervisor or company representative to respond.
 - c) The police officer will not request the driver to exit the vehicle until both supervisors are present.
7. In case of an accident in which the occupants of the armored vehicle are incapable of protecting their load, the officer on the scene shall notify his/her supervisor to respond. The supervisor will be responsible for ensuring that the cargo is protected until officials of the armored car company can respond and secure it.

L. Stopping a Known (High Risk) or Suspected Felon (Unknown Risk):

1. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When an officer locates a vehicle driven by a known or suspected felon, the officer shall notify DEC immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop.
2. The officer shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle should not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.
3. The following procedures should be used in effecting the stop:
 - a) The officer shall plan to stop the suspect vehicle in a location that presents minimal danger to other citizens.

- b) When conditions are appropriate and support units available, the officer shall signal the violator to stop, using all emergency equipment to alert the driver.
- c) The violator should be stopped on the extreme right side of the road.
- d) When the suspect vehicle begins to stop, the officer should turn off the siren and turn on the public address system, if available.
- e) The officer shall park the patrol vehicle so that it provides maximum protection and cover.
- f) If the violator is known to be armed and dangerous, the officer shall have his/her weapon easily accessible and ready for immediate use.
- g) At night, the officer shall focus all lights on the interior of the suspect vehicle.
- h) The officer making the stop is in command, and shall direct each occupant, using the public address system, if available, to get each occupant out of the vehicle and into the appropriate search position using the following procedures, if appropriate:
 - (1) Once suspects are stopped, the officer shall order the driver to shut off the motor and remove the keys from the ignition, if applicable.
 - (2) If there is no driver, the officer shall order the passenger to remove the keys from the ignition, if applicable.
 - (3) The officer shall then order the occupants to place their hands, palms up, on the roof or windshield of the vehicle.
 - (4) The officer shall then order the driver to exit the vehicle extending his/her arms over his/her head and palms facing the officer.
 - (5) The officer shall then order each occupant to exit the vehicle one at a time extending their arms over their heads and palms facing the officer.
 - (6) The occupants shall be directed to walk backward toward the officer, turn for a visual search and then ordered to lie face down on the ground, arms extended out from his/her side with his/her palms up.
 - (7) If a public address system is not available, the officer shall give voice commands from behind the open door of the police vehicle while maintaining sufficient cover.
 - (8) The initial officer shall instruct any *assisting* officers, as appropriate, and shall be the only officer to direct the suspects.

- (9) An assisting officer shall approach the suspect driver that has been removed from the **vehicle**. The officer shall either handcuff the driver quickly or perform same on the passenger if there is no driver and obtain the vehicle's keys. If there is reasonable suspicion for the officer to believe that the individual is armed and dangerous, then the officer shall conduct a pat down for weapons and move the individual to a safe area.
- (10) The **assisting** officers shall cover the **initial** officer and remain on the curb side of the vehicle until all occupants have been removed from the vehicle.
- (11) All arrestees shall be handcuffed and thoroughly searched before transportation.
- (12) The assisting officer shall use the keys to clear the trunk area:
 - (a) If there is an arrest;
 - (b) If probable cause exists to search the vehicle; or,
 - (c) If the vehicle is going to be towed and an inventory search is required.

NOTE: If at any point during the traffic stop the driver or vehicle operator attempts to flee, the officer shall disengage from the vehicle's driver and take measures to move safely away from the vehicle. The officer shall then notify DEC that the vehicle **operator** is attempting to flee the scene and shall return to his/her patrol vehicle and following existing procedures for motor vehicle pursuits. Officers are advised not to reach into an occupied running vehicle to remove either the vehicle's keys or the suspect(s).

V. ROLES AND ACCOUNTABILITY

A. Officer on the scene shall:

- 1. Detain suspected motor vehicle violator and execute stopping procedures, following all techniques and safety guidelines as stated in this General Order;
- 2. Notify DEC of detainee's vehicle, plate, location and occupant information;
- 3. Verify motorist information on Mobile Data Computer, if patrol vehicle is MDC-equipped;
- 4. ***Have the authority to recommend drivers for re-examination by drivers licensing authorities;***
- 5. Administer enforcement actions as warranted including issuing a summons, warning or arresting subject(s);

6. Notify DEC if the vehicle operator does not stop, attempts to elude or if requesting assistance from other units;
7. Follow special procedures for stopping high-risk or suspected felons as stated in this General Order; *and*,
8. Prior to affecting an arrest, the officer shall immediately notify DEC and request assistance if, upon approaching a stopped vehicle with one or more occupants, a wanted subject is identified inside the vehicle.

B. DEC shall:

1. Provide information and dispatch assistance as requested by officers; *and*,
2. Immediately advise a field supervisor of pursuit conditions and ensure that he/she monitors the situation.

C. Supervisor shall:

1. Respond to the scene if requested by an officer;
2. Provide on-site supervision and assistance; *and*,
3. Correspond with DEC, monitor and direct officers in situations involving motorists' efforts to elude/evade an officer(s) attempting to affect a motorist stop.

VI. FORMS

A. Virginia Uniform Summons

B. *DMV form – MED 3, Medical Review Request*